

The City of Meadows Place

Home Rule Charter FAQ

(Updated October 15, 2021)

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1. What is Home Rule?

To best answer this question, we need to first look at how the State of Texas allows Cities to govern themselves. The State has developed a two-tiered system for Municipal governance: General Law Cities and Home Rule Cities.

General Law Cities are generally communities with populations under 5,000 who must look to the State of Texas to determine what they are allowed to do as a municipality. Meadows Place currently is a "Type A" General Law City meaning that it is among the larger General Law cities. So, for example, because Meadows Place is currently under 'General Law', the voters of the community cannot determine how many councilmembers are allowed to serve, the length of their terms, or whether they should have term limits. That is all set by the State of Texas. Likewise, for example, the State of Texas limits the distance that Registered Sex Offenders can reside from Child Safety Zones in a General Law City. Home Rule cities have no such limit.

Home Rule Cities are generally communities with populations over 5,000, and are required to write and adopt a Charter that specifically enumerates the structure, power, duties and authorities/responsibilities the people of the community wish to grant their local government. Some decisions Home Rule cities can make include the number of City Councilmembers and the length of their terms, how to fill vacancies of City elected officials, the role of the Mayor, the power and duties of some City employees, the timing and rules associated with the City's annual budget and auditing processes, and the ability for voters to adopt and repeal Ordinances and recall sitting City elected officials via an election.

2. What is a Home Rule Charter?

The Charter, for all practical purposes, is a Municipal Constitution that is written and adopted by the citizens of the Home Rule city via an election. The Charter defines and limits the powers, duties and responsibility of local government based on local preferences and desires. It defines the form of local government and establishes organizational provisions. The citizens determine the necessary controls over their city government such as elections, referendums, initiatives and recall, and definition of the procedures to amend the Charter.

3. Who gets to decide if the Charter gets enacted?

You, the Voters, vote on the Charter in a City election.

4. What issues are addressed in the Charter?

The Charter establishes various rights, responsibilities and privileges for the city government and its citizens that are not superseded by State or Federal laws. To list just a few:

1) Number of Councilmembers, their terms and how they are elected;

- 2) Duties of the Mayor, Council and specific staff members;
- 3) The type of government utilized;
- 4) Citizens' right to initiative, recall and/or referendum;
- 5) City's right to annex, tax and provide safety for its citizens; and
- 6) Procedures and ethics.

5. Does Meadows Place need 5,000 residents in order to approve a Home Rule Charter?

The State of Texas allows cities that are going through the Home Rule process to 'self declare' their population, in order to determine whether the 5,000 threshold has been reached. That is, the State gives cities the discretion to determine population based on local data such as utility connections, School District population data, and other demographic changes, as well as any Census data.

In late 2020, Meadows Place City Council researched and discussed the City's population projections and unanimously passed a resolution declaring that the City's population has reached 5,000. The decision was made partially on Census projections with other local data points being considered as well. Refer to the City Council minutes on [October 27, 2020](#) and [November 17, 2020](#) regarding Resolution No. 2020-45.

Of course, a City's population changes weekly! There are a number of Home Rule cities in Texas that fluctuate in population, and some do vacillate above and below 5,000 over time. But the State of Texas says that once a City self-declares, they have the green light to decide whether they want to go Home Rule.

6. Was the Mayor or City Council involved in drafting the Charter?

No. In late 2020, the Meadows Place City Council selected 16 members of the community to serve on the Home Rule Charter Committee. The group met for 7 months to (1) decide whether it was in the best interest of Meadows Place to have a Home Rule Charter and (2) ultimately draft the charter that they felt best matched the character and structure of Meadows Place. In the Summer of 2021, the Home Rule Charter Committee unanimously approved the drafted Charter and presented it to City Council for a vote of the public.

7. Why enact a Home Rule Charter now?

The Charter Commission debated that question for some time. Ultimately, they have gone on record in deciding as a group that the Home Rule form of Government gives the City the best options in meeting the challenges of the City's future.

In Fort Bend County, Meadows Place is now the only City in the County eligible to go Home Rule that has not yet done so.

Ultimately, whether a Home Rule Charter is adopted can only be answered by the voters of Meadows Place.

8. What if we decide that we want to change something in the Charter once it's adopted?

Like all government instruments, the Charter is a living, breathing document that can be modified to meet the needs of the times as they change. The State allows for a Charter Review to be conducted every two years. The City Council could, at the behest of the voters or on their own initiative, either approve charter amendments for voter consideration or appoint a Charter Review Commission to review and revise any section or provision of the document.

Part of the proposed Charter will require the City Council to appoint a Charter Review Commission every five years to ensure the document is keeping pace with the City and meeting the needs of the residents. Such reviews can be made more frequently if needed, but cannot take place any sooner than two years following its adoption or amendment.

9. Do I really have more power as a voter under the Charter than I do right now?

Yes. In many instances, the voters of Meadows Place will have the ability to choose the course of the City instead of the Legislature in Austin. And once set, a Charter can only be modified through another election of the voters in Meadows Place. So, for example, if the voters decide one day that the City Charter needs a financial provision stating that the City must always have a 'rainy day fund' of a certain amount in the City's saving's account, that Charter provision could not be modified by City Council or by the State Legislature. Only the City's voters could change it. The same could be said for the compensation paid to the Mayor and Council, or how many votes it takes to pass City Ordinances, for example.

In addition, the Charter provides the residents with several key powers to chart the course of City government directly through the Initiative, Referendum and Recall process.

This means that if enough registered Voters agree, they may enact Ordinances based on Initiatives presented directly to the Voters. Voters may also hold Referendums to repeal certain Ordinances.

Something to note: the powers of Initiative and Referendum are not able to modify the City budget or any capital expenditure; the appropriation of money; the levying of taxes; the adoption

or amendment of a comprehensive plan; the adoption, amendment, or repeal of zoning districts or regulations; the annexation or dis-annexation of land; the setting of rates, fees, charges, or assessments; the setting of salary or compensation of officers or employees; or the granting of franchises. Instead, those powers are reserved for our elected officials: our mayor and council. Additionally, Voters would have the power to recall their Elected Officials if they felt they weren't doing the job the way Voters wanted.

10. Can a General Law City recall their City elected officials or create initiatives or referendums?

No.

11. How does the term of City Council change under the proposed Home Rule charter?

Right now in Meadows Place, the Mayor and Council serve for 2 year terms. In one year, four members are up for election, and in the next year, 2 members are up for election. Over time, this has created a "lopsided" election schedule where more than half of the elected body is up for election every other year.

The proposed Home Rule Charter would "smooth out" the City's election schedule. Terms of service would go from 2 years to 3 years, and only 2 elected officials would be elected each year. So, year 1 would be the Mayor and position 1, year 2 would be positions 2 and 3, and year 3 would be positions 4 and 5.

12. Does the Mayor get to vote in a Home Rule City?

In a Home Rule City, the Charter gets to decide whether the Mayor votes, as opposed to a General Law City where the Mayor only gets to vote in the event of a tie.

In Meadows Place, the proposed charter does give the Mayor a vote on City Council. Therefore, the number of "votes" goes from 5 to 6. In the event of a tie, the motion fails. A simple majority of votes has to exist for something to be approved.

13. Can the City increase my taxes more quickly under a home rule charter?

No. The rate at which taxes can increase, as well as other 'truth in taxation' laws are the same despite whether a City is Home Rule or General Law. Those laws are governed in the tax code of the State of Texas.

14. What changes with the duties of the Mayor?

In a 'General Law' City, the Mayor has certain administrative duties. That is, the Mayor does have the authority to prepare and present the City's annual budget, and hire and fire certain City employees, but the Mayor is not a voting member of City Council. This is called a 'Mayor-Council' or 'strong mayor' form of government.

The proposed Meadows Place charter establishes a 'Council-Manager' form of Government, where a City Manager, hired by the Mayor and City Council, would carry out the day-to-day administrative duties, and carry out the City Council's policy decisions. In 'corporate' terms, the Council-Manager form of government is set up similar to a CEO (Manager) and Board of Directors (Mayor and City Council). The 'Council Manager' form of government is the most widely used form of Government in Texas Home Rule cities.

15. Is there an example from the last several years that could have been managed more effectively or efficiently if we would have already had the Charter?

In 2016, a sex offender advocacy organization on behalf of a registered sex offender resident sued the City of Meadows Place opposing the City's Sexual Offender Residency Restriction Ordinance (SORRO). The SORRO bars registered sex offenders from maintaining a residency within 2,000 feet of place where children regularly gather, such as a school. The lawsuit contended that Meadows Place as a general law city may not impose such a SORRO, arguing that the State of Texas and only home rule cities may enact their own such ordinances. Ultimately the case was dismissed, and the City was able to lobby the State legislature to permit all general law cities to impose a SORRO at 1,000 feet (instead of 2,000), but not until considerable expense by the City and the citizens.

If the City would have been Home Rule, the lawsuit could not have been filed and the City would not have had to expend resources defending or lobbying the State legislature

16. Would any City Employees be added or laid off as a result of the proposed Home Rule charter?

No. In fact, there is a provision in the proposed Charter clarifying that all existing employees will continue working under the provisions of the new Charter. In the event that the Charter is approved, the City Administrator changes titles to the City Manager, within the City's Organizational Chart that already exists. In other words, the proposed Charter was written to closely match the organizational structure that already exists within the City's Staff.

17. How much did we spend on the development of this Charter? What costs could the City incur by adopting the Charter?

To date, the City has expended close to \$60,000 on this process, which includes legal fees for consultations and drafting, and the costs associated with the mailing of the Charter to registered voters. The City has no indication that this is higher or lower than the typical cost for a city to develop a Home Rule Charter.

The City administration does not anticipate any changes to the approved budget as a result of adopting the Charter. The only direct costs will be the costs associated with reviewing and updating the Charter every five years.

18. When did this process begin?

The process of developing a Home Rule Charter has been discussed by City Council for many years, particularly during the events detailed in question 15 above. Most recently, in the [October 2020 newsletter](#) the Mayor highlighted that City Council was considering Home Rule. The City Council discussed the topic at the regular meeting on [October 27, 2020](#) and the special meeting on [November 17, 2020](#). The Charter Commission began meeting on [December 16, 2020](#).

BONUS INFO:

Here is a list of provisions from the Charter that are not allowed for General Law cities: (Section references from the Charter.)

1. Official council manager form of government (Section 1.01a)
2. Affirmation that all power resides with Council (Section 1.01b)
3. Affirmation of self government to the fullest extent (Section 2.01)
4. Qualifications for members of City Council (Section 3.01)
5. Council judges qualifications instead of district court (Section 3.02)
6. Size of Council (Section 3.03)
7. Term of office (Section 3.03)

8. Majority vote required (Section 3.03)
9. Compensation of Mayor and Council set by Charter, not Council (Section 3.04)
10. Affirmation that Council nominate, appoints and remove members of all boards. (Section 3.05)
11. Gives powers to Council to investigate (Section 3.05b1)
12. Prohibits revolving door of employing former Council member for 3 years (Section 3.06a)
13. Prohibits Council dictating or directing city employees (Section 3.06c)
14. Reduces power of mayor, no longer CEO (Section 3.07)
15. Requires monthly meetings (Section 3.09a)
16. Defines a quorum as 4 members (Section 3.09c)
17. Always requires a vote of 4 to pass a motion/ ordinance (Section 3.09e)
18. Sets consequences if abstain (Section 3.09e)
19. Rebalances elections and requires filling of vacancies by elections not appointment (Section 3.10)
20. Two members per year elected instead of 4 and 2, no sweep elections (Section 3.10)
21. Makes city manager the CEO (Section 4.01)
22. Removes politics in appointments and termination of city manager, city secretary and city attorney. Supermajority required (Section 4)
23. Prohibits Council members from being appointed city manager (Section 4.03)
24. Requires board members to reside within the city 6 months (Section 4.09)
25. Initiative, referendum and recall
26. Prohibits solicitation by or from employees for political purposes (Section 8.02)
27. Requires forfeiture of office by council members for violations (Section 8.02d)
28. Requires liability coverage for city officials (Section 8.04)
29. Disaster clause for continuing government if quorum of council dies (Section 8.09)